

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1-5, 7-10, 13-17, 19 and 20. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-10 and 13-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Examiner Objections - Claims

Claims 4 and 14 were objected to because of informalities. The Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claims as suggested by the Examiner in order to correct the informalities. The Examiner's consideration of the amended claims is respectfully requested.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1, 3-7, 9, 13, 15 and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy et al (US 6,542,499) (hereinafter Murphy). The Applicant has amended all pending independent claims and some of the dependent claims to more clearly and distinctly define the intended scope of the claimed invention. The Examiner's consideration of the amended claims is respectfully requested.

The Applicant submits that the present invention as described in the pending application deals with monitoring the level of congestion suffered by incoming packets for a first gateway. Rather than monitoring all incoming packets for that gateway, in accordance with the teachings of the present invention, incoming packets transmitted from a specified group of media gateways over a packet switched backbone wherein the first gateway is acting as a terminating media gateway is monitored. In further accordance with the teachings of the present invention, in response to receiving a request for terminating a new bearer connection at said first media gateway from one of an originating media gateway within the specified group of media gateways, a decision is made based upon the previously monitored level of congestion suffered by the first media gateway for those incoming packets transmitted from that particular originating

media gateway or from that specified group of media gateways (that group further containing that originating media gateway). If the monitored level is unacceptable, the request for terminating a new bearer connection at the first media gateway is then rejected.

The Applicant respectfully submits that such recited steps are not anticipated or rendered obvious by the Murphy reference. The Murphy reference instead discloses a system wherein the originating VOIP gateway detects IP network congestion by monitoring VoIP packets for IP addresses that are associated with a VoIP link. In response to such a detection, the VoIP gateway instead reroutes the VoIP packets over a circuit switched data link such as over ISDN or POTs networks. In other words, in response to the originating VoIP gateway detecting network congestion, it creates a "call fallback scheme" by rerouting the VoIP packets over a circuit switched link allowing the call to be established over an alternative network.

The Applicant therefore respectfully submits that the Murphy reference fails to anticipate or teach the present invention. First of all, nothing in Murphy discloses the recited step of

"monitoring the level of congestion suffered by incoming packets for a first gateway wherein said incoming packets are transmitted from a group of media gateways over said backbone and wherein said first media gateway acting as a terminating media gateway for said group of media gateways."

The Examiner incorrectly referenced Col. 8, lines 31-44 of the Murphy reference as supposedly disclosing this recited step. However, the Applicant respectfully disagrees with the Examiner and submits that the Murphy invention (as further described in Col. 8) instead discloses the originating gateway and its congestion detector trying to determine the network congestion for a particular VoIP link. The Murphy invention further states that there are a different ways to monitor network congestions and one such way is to conduct a probing routine that maintains a history of the endpoints in communication with gateway 108. The congestion detector 126 periodically sends out probe packets to those endpoints, such as gateway 116. The probe packets are echoed back to the originating gateway 108 (Col. 8, lines 37-45). Not

withstanding the above, it is clear from the Murphy reference that all such determinations are being made by the originating gateway (108).

The Applicant respectfully submits that the Murphy reference therefore fails to disclose a terminating gateway monitoring the level of congestion associated with incoming packets. Additionally, nothing in Murphy discloses or teaches the recited step of monitoring the level of congestion suffered by incoming packets transmitted by a group of media gateways. In other words, unlike the Murphy invention, rather than monitoring a particular VoIP link, the present invention monitors the congestion level associated with a particular originating gateway or a group of media gateways.

Furthermore, nothing in Murphy discloses or teaches the recited step of

"receiving a request for said first media gateway to terminate a new bearer connection extended over said backbone from a second media gateway within said group of media gateways;

Making a decision on the admissibility of that request based upon the previously monitored level of congestion suffered by said first media gateway for said incoming packets from said second media gateway or from said group of media gateways; and

Rejecting said request for said new bearer connection based on said admission decision."

As described above, nothing in Murphy shows a system monitoring the congestion level associated with a group of originating gateways and deciding on whether to accept or reject a new bearer connection request from one of those originating gateways by reviewing the previously monitored level of congestions.

The Applicant therefore earnestly submits that Independent Claim 1 is novel and unobvious in view of Murphy and allowance thereof is respectfully requested. For similar reasons, remaining independent Claims 9, 10, and 13 are likewise patentable as well. Remaining Claims 3-7, 15, and 17-19 are depend from amended independent claims 1 and 13 and recite further limitations in combination with the novel elements thereof. Therefore, the allowance of claims 1, 3-7, 9, 13, 15, and 17-19 is respectfully requested.

Claims 2, 8, 10, 14, 16 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy as applied to claims 1, 3-7, 9, 13, 15 and 17-19 above, and further in view of Rao (US 6,876,627 B1) hereinafter Rao.

The Applicant respectfully submits that claims 2 and 8 depend from amended independent claim 1, claim 10 depend from amended independent claim 9, and claim 14, 16, and 20 depend from amended independent claim 13 and recite further limitations in combination with the novel elements thereof.

Therefore, the allowance of all pending claims is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



By John Han
Reg. No. 41,403

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-7686
john.han@ericsson.com